

CHAPTER 5

INVESTIGATIONS

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## CHAPTER 5

## INVESTIGATIONS

0501. PROGRAM

a. NCIS is responsible for facilitating, managing and establishing policy for the Navy's law enforcement/investigative programs. NCIS will assign special agents as Regional Supervisory Investigators (RSI) or Regional Investigations Coordinators (RIC) by region to provide oversight of the investigative program. This oversight will include, but is not limited to, the training given to command investigators, case review, investigation standardization, investigator screening and/or selection process. RSI personnel will work in concert with appropriate area security directors and/or regional security officers. This team relationship is essential to streamlining investigative operations, professionally accrediting personnel and incorporating base investigators into NCIS tier 3 and some tier 2 cases. The goal of this program is to ensure the Navy operates with a single operational standard.

b. Where appropriate, all NCIS procedures will become standard operating procedures for the investigative units. Command investigators will be limited to those investigations involving the ship, station or region to which assigned and not assumed by the NCIS after referral. All other investigations must be approved by the security officer and/or the RSI/RIC.

0502. THE COMMAND INVESTIGATOR.

a. Command investigators selections must be based on demonstrated professional capabilities, experience and knowledge of legal matters. One of the primary responsibilities of the RSI is to establish and maintain an effective criminal investigative program. This is best achieved through implementing NCIS standard operational procedures and a robust in-service training program.

b. The primary course of instruction for training all non-agent investigative personnel (civilian and military) is via the Army Inter-service Training Review Organization (ITRO) Military Police Investigator course located at Fort Leonard Wood, Mo. The other recognized course of instruction for civilian personnel is via the Federal Law Enforcement Training Center (FLETC), Glynco, GA. Commands, not NCIS, are responsible for this initial training.

c. For in-service training NCIS has developed a 5-day Crime Scene Course of Instruction (COI) and a one week Basic Investigator COI. This in-service training is a substitute for ITRO training courses, but is an additional required course of instruction.

0503. CREDENTIALS.

a. NCIS provides command investigator credentials for all base investigators. Command investigator credentials (OPNAV 5580/26) are issued by the RSI/RIC. Credentials will be serially numbered, and contain the name, description of the bearer (i.e., height, weight, color hair and eyes, sex, and date of birth), a color photograph, and signature of the investigator. Although

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OPNAV 5580/26 does not have blocks for the description and signature block, these items may be typed on the reverse. Credentials will be issued for a period not to exceed 24 months.

b. Credentials will be strictly controlled by serial number. Logs will fully identify the person to whom issued and will record the disposal/destruction of expired credentials. Unused credentials will be securely stored, and will be inventoried annually.

c. Once credentials are issued to an investigator, that person assumes responsibility for its safeguarding. If credentials are lost, the investigator must report this loss immediately to his/her supervisor. Credentials will automatically expire upon transfer from the investigations unit, at which time the badge will be collected and the credentials destroyed.

d. Commands that are not regionalized and require their own investigators will coordinate their investigative efforts with the nearest NCIS office and/or security department. All investigative entities will use applicable NCIS criminal procedures for reports, training, and other investigative protocols.

e. Investigators are often tasked to work off base. Civilian clothing may be authorized for military command investigators. Liabilities associated with working off base vary by location. The local status of forces agreement and applicable laws contain relevant guidance and should be reviewed prior to establishing local SOP/Memorandum of Agreement.

0504. CONTROLLED SUBSTANCE INVESTIGATIONS. Controlled purchases of drugs will be controlled by special agents of the NCIS. Command personnel may assist in drug purchases to the extent requested by NCIS, with the approval of the commanding officer.

0505. INTERVIEWS AND INTERROGATIONS. An Interview/Interrogation Log (OPNAV 5580/7) will be initiated and filled out legibly in ink for every interview/interrogation. The log will be kept in the case file.

0506. REPORTS OF INVESTIGATION (ROI). All cases investigated by the command investigators will be documented with a formal ROI. The format and all supporting documents will be completed using the current NCIS directives.

0507. COOPERATING WITNESSES

a. The use of cooperating witnesses (CW) can be beneficial in successfully completing an investigation. However, use of CWs is to be on a limited case-by-case basis and will be documented by current NCIS procedures and with the approval of the security officer and the area's senior NCIS agent (Judge Advocate General review). Prior to using an individual who is a military member, authorization will be received from the individual's commanding officer. Command authorization is not necessary for civilian employees of the Navy. The authorization will be documented. Only NCIS-trained/certified investigative personnel will handle CWs.

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b. The reliability of a source is an important element in determining probable cause for certain actions that may be taken as a result of information provided. In most instances, the information provided by a source will be sufficient confirmation of the source's integrity or truthfulness before a judicial proceeding. An investigator must always be able to attest to the reliability of the sources of information.

c. Informant records will be established, maintained and securely stored at the security department. These files are to be the responsibility of the investigations supervisor. Access to this file will be limited to the security officer, investigations supervisor, and the investigator involved in handling the informant. Others may be granted access only on a strict need-to-know basis.

#### 0508. FINGERPRINTING CRIMINAL SUSPECTS.

a. All military criminal investigative organizations must submit criminal history data, per DODINST 5505.11 of 1 December 1998, to the Federal Bureau Investigation (FBI) Identification Division. The required submissions pertain to all military service members investigated by the military criminal investigative organization for commission of any offense listed below and also in Appendix D of this instruction and who are the subjects of any resultant judicial or non-judicial military proceeding. Judicial and non-judicial proceeding is defined as a court-martial or a non-judicial hearing conducted in accordance with Article 15, UCMJ. Offenses that require submissions are identified in Appendix D.

b. Offender criminal history data records required under this policy will be initiated by preparation and submission of a standard suspect fingerprint card, FBI Form FD 249, to the NCIS Regional Forensic Laboratory (NCISRFL) as described in subparagraph (1) below. The block on the FD 249 for the contributor's ORI and address shall read USNIS0000, NIS, WASH, DC. Correct any FD 249 which has a preprinted contributor's ORI number and address different from above by typing a label with the NCIS ORI number and affixing it over the incorrect address. The card must be filled out in strict accordance with the instruction and be typed or clearly printed. Ensure the block entitled "Local Identification/Reference" is completed with the Incident Number. Submission is required even if charges are reduced to a lesser offense. Submission of the fingerprint cards will not be delayed by pending judicial or non-judicial military proceedings. The fingerprint cards should be submitted upon notification the suspect will be administered judicial or non-judicial punishment by command. Further requirements are addressed in the following sub paragraphs:

(1) The NCISRFL will be responsible for ensuring the print quality is sufficient for acceptance by the FBI for filing. Therefore, two fingerprint cards will be forwarded to the servicing NCISRFL. One card will be input by the NCISRFL into the appropriate regional automated fingerprint record system and one will be forwarded by the NCISRFL to the FBI. If the fingerprints are of insufficient quality, the cards will be returned to the submitting security department to be redone. The NCISRFL will not check for accuracy of information on the cards, only the quality of record prints.

(2) The FBI replaced the FD 249 fingerprint card (Rev. 12-29-82) with a revised card (Rev. 12-1-94). Security departments are to use the latest version card and ensure it has the NCIS ORI in the Contributor's address block. The revised cards can be obtained from the local NCIS office. The Final Disposition Form was also revised from R-80 to R-84. The Final Disposition Form is to be completed and forwarded to the FBI by the security department..

c. If the investigation is referred to and accepted by any other law enforcement agency, including NCIS, that agency will be responsible for submitting the fingerprint cards (FBI Form FD 249) and the Final Disposition Report (FBI/DOJ R-84).

d. The policy of the Navy is to obtain at least two record fingerprint cards and the right four finger impressions on the green Final Disposition report, FBI/DOJ R-84, at the time of interrogation for offenses, per paragraph a. Fingerprints obtained during the interrogation process are maintained in the investigative case file until the command notifies the case responsible investigator that action is pending against the suspect. Once a non-judicial punishment hearing has been held or court-martial charges have been preferred, the two clearest fingerprint cards will be completed and forwarded to the servicing NCISRFL as noted above. If the interrogation is requested from another Navy law enforcement department, the security department will obtain the necessary fingerprint and disposition cards and forward them to the department receiving or who has received the subject for court-martial or non-judicial punishment.

e. At the conclusion of the judicial or non-judicial military proceeding, the security department will report disposition information by means of the Final Disposition Report sent to the servicing NCISRFL as noted above. Disposition information will be filed on the record fingerprint cards if the disposition is known at the time of the submission. Fingerprint cards, disposition forms, and pre-addressed envelopes will be provided at no cost by the FBI via NCISHQ supply department. Security departments should secure the training assistance of NCIS or local police identification units if personnel are not familiar with the process of "rolling" fingerprints on cards.